

## **~~Rule 375-5-2-.33 Suspension/Revocation and Appeal Procedures~~**

- ~~(1) Upon determining that a Tester or Examiner's certification should be suspended, revoked, or cancelled the Department shall notify the Tester or Examiner by certified mail, return receipt requested. Such notice shall be deemed received seven (7) days after mailing.~~
- ~~(2) The notification shall notify the Tester or Examiner of the following requirements:~~
  - ~~(a) That the Tester or Examiner may, within 15 days of receipt of the notice, request a hearing. The request must be in writing and received by the Department within the fifteen (15) day period specified.~~
  - ~~(b) That if the Department does not receive a written hearing request within the fifteen (15) day period:~~
    - ~~(i) Any rights to an appeal and hearing shall be considered to have been waived; and~~
    - ~~(ii) The suspension, revocation, or cancellation will be effective upon the expiration of the fifteen (15) day period.~~
- ~~(3) Upon receipt of a timely, written hearing request, the Department shall schedule a hearing before an Administrative Law Judge.~~
- ~~(4) The hearing and appeal procedures shall be as specified in Ga. Admin. Comp. Ch. 375-3-3-.04.~~
- ~~(5) A Tester or Examiner who timely requests a hearing may continue to administer the driver's license testing pending issuance of a final decision by the Administrative Law Judge.~~

**Authority: O.C.G.A. § 40-5-27.**

### **SYNOPSIS**

#### **STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE**

The purpose of this repeal is to consolidate and update agency rules and regulations. Ga. Comp. R. & Regs. R. 375-5-2-.32 encompasses suspension, revocation, or cancellation of third party testing programs and examiners, and appeal procedures.

#### **DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES**

This proposed amendment would repeal the current rule in its entirety.